

# **EXHIBIT J**

## **EXHIBIT 15**

# **REDACTED VERSION**

# **WEATHERFORD DECLARATION IN**

# **SUPPORT OF MOTION FOR**

# **SUMMARY JUDGMENT**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE )  
ANTITRUST LITIGATION )  
 ) No. 11-CV-2509-LHK  
THIS DOCUMENT RELATES TO: )  
ALL ACTIONS. )  
\_\_\_\_\_ )

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VIDEO DEPOSITION OF BRIAN CROLL

March 22, 2013

Reported by: Jennifer L. Furia, RPR, CSR No. 8394

09:09:11 1 keynote presentations where Steve would introduce new  
09:09:15 2 products.

09:09:23 3 Q. Did you attend an Apple Town Hall event in  
09:09:27 4 January 2010?

09:09:30 5 A. I don't know. I don't know what event happened  
09:09:35 6 on January 2010.

09:09:39 7 Q. Did you attend any Apple Town Hall events?

09:09:43 8 A. Yes, I have in the past.

09:09:46 9 Q. Do you recall Mr. Jobs making comments about  
09:09:54 10 Flash and its suitability on mobile devices at a Town Hall  
09:09:58 11 meeting?

09:10:00 12 A. I don't recollect specifically a Town Hall  
09:10:02 13 meeting where that happened. Yeah, I don't remember  
09:10:08 14 specifics about a Town Hall event.

09:10:10 15 Q. Well, do you recall anything Mr. Jobs might have  
09:10:14 16 said about the use of Flash on Apple's mobile devices?

09:10:18 17 A. Yes.

09:10:19 18 Q. What do you recall?

09:10:23 19 A. I recall that -- the concern over whether Flash  
09:10:28 20 was going to work well in a mobile environment. There are  
09:10:33 21 a lot of questions on -- as to whether that technology  
09:10:37 22 could make the transition over to an environment which  
09:10:41 23 was -- where battery and power was at a premium, so  
09:10:46 24 there's quite a bit of question of whether that was going  
09:10:48 25 to happen.

09:10:49 1 I think we came to the conclusion at Apple that

09:10:51 2 it probably wasn't suited for a mobile environment.

09:10:56 3 Q. And does Apple support Flash on its mobile

09:11:00 4 devices?

09:11:01 5 A. No. It supports it on the Mac.

09:11:39 6 Q. Were you ever aware of any restrictions on Apple

09:11:44 7 recruiters contacting employees of Adobe about potential

09:11:49 8 opportunities at Apple?

09:11:50 9 A. No, I was not.

09:12:18 10 Q. So have you been involved in any of Apple's

09:12:21 11 collaborations with Google?

09:12:27 12 A. Yes, I have.

09:12:27 13 Q. What are those collaborations?

09:12:30 14 A. There are numerous different collaborations.

09:12:33 15 There's a collaboration on Search in Safari

09:12:37 16 browser. There's collaboration for a number of years on

09:12:41 17 the maps application. YouTube is another area of

09:12:47 18 collaboration. We also had collaboration on the --

09:12:50 19 including, for instance, Google Mail in setup, for

09:12:55 20 instance, in iOS as well as in Mac, as well as syncing

09:13:00 21 capabilities, as well as calendar.

09:13:05 22 Let's see what other ones. We have a fishing

09:13:08 23 agreement, anti-fishing service that they provide for

09:13:12 24 Safari, as well as other products within our product line.

09:13:16 25 There are many, many different collaborations between

09:13:19 1 Apple and Google. That was off the top of my head. There  
09:13:23 2 may be more.

09:13:25 3 Q. And that's fair.

09:13:33 4 Do you know if any Apple employees have ever had  
09:13:36 5 offices on-site at Google?

09:13:37 6 A. I'm not -- I don't know. I'm not sure.

09:13:40 7 Q. And do you know if any Google employees have  
09:13:42 8 ever had offices on-site at Apple?

09:13:45 9 A. Yeah, again, I'm not -- I don't know one way or  
09:13:49 10 the other.

09:14:09 11 Q. Do any Apple engineers work full-time on  
09:14:12 12 Apple/Google collaborations?

09:14:14 13 A. I would characterize it as saying that we have a  
09:14:17 14 lot of people, almost like a huge number of people working  
09:14:21 15 on some collaboration with Google. I don't think  
09:14:25 16 it's -- it's actually marbled through the organization,  
09:14:29 17 it's so deeply integrated, that it isn't partitioned off  
09:14:33 18 into like a specific person. It's not really the way  
09:14:35 19 these collaborations are going to work.

09:14:38 20 You know, there's a lot -- what happens is, is  
09:14:40 21 once we establish it, there's just a ton of different  
09:14:43 22 touch points between the companies.

09:15:02 23 Q. So could you tell me roughly how many engineers,  
09:15:08 24 Apple engineers, work on collaborations with Google?

09:15:12 25 A. That's a really difficult number to come by.

09:23:17 1 A. No, I haven't.

09:23:18 2 Q. Are you aware of any collaborations between

09:23:20 3 Apple and Intuit?

09:23:21 4 A. I believe, you know, in the same manner, Intuit

09:23:28 5 is an application that's important to the platform, and I

09:23:33 6 think as a result we work very closely, our developer

09:23:38 7 relations department works very closely with Intuit,

09:23:41 8 working to make sure that they would provide their

09:23:43 9 applications for the Mac platform.

09:23:59 10 Q. And I'm sorry, going back, were you ever aware

09:24:01 11 of any restrictions placed on Apple recruiters that

09:24:09 12 prevented or otherwise posed obstacles to them contacting

09:24:14 13 Intel employees about job opportunities at Apple?

09:24:17 14 A. No, I was not.

09:24:21 15 Q. And then the same question with respect to

09:24:23 16 Intuit.

09:24:24 17 A. No, I was not.

09:24:30 18 MR. RILEY: Before we turn to the next one,

09:24:32 19 could we have a quick restroom break?

09:24:34 20 MR. DALLAL: Sure.

09:24:35 21 MR. RILEY: Thank you.

09:24:36 22 THE VIDEOGRAPHER: Going off the record. The

09:24:36 23 time is 9:24 a.m.

09:32:09 24 (Recess taken from 9:24 to 9:33.)

09:32:50 25 THE VIDEOGRAPHER: We are back on the record.

09:32:51 1 The time is 9:33 a.m.

09:32:59 2 BY MR. DALLAL:

09:32:59 3 Q. Have you ever worked on any collaborations

09:33:01 4 between Apple and Pixar?

09:33:03 5 A. No, I have not.

09:33:06 6 Q. Are you aware of any collaborations between

09:33:08 7 Apple and Pixar?

09:33:10 8 A. I've heard of Apple and Pixar working together

09:33:14 9 on varied projects.

09:33:19 10 Q. What sorts of projects?

09:33:20 11 A. Occasionally things like, you know, working on

09:33:22 12 imagery. For instance, we've worked with them to help us

09:33:28 13 out getting good imagery in our UI. We also wanted to

09:33:33 14 make sure that the internal software that Pixar uses to

09:33:38 15 create movies, to render movies, works extremely well

09:33:42 16 on -- on -- on the Mac. Um, Excuse me.

09:33:49 17 As a part of that, again, it goes back to having

09:33:51 18 our engineers work with engineers at Pixar to tune the

09:33:57 19 software, to understand how we could make our software

09:34:00 20 better, to better serve their software. So again, it's

09:34:06 21 very similar to the other types of collaborations where we

09:34:10 22 have to have our engineers work tightly with -- with

09:34:12 23 them.

09:34:18 24 Q. Is it fair to say that Apple in some sense

09:34:21 25 collaborates with all of the software developers who

09:34:25 1 develop software for the Mac?

09:34:27 2 MR. RILEY: Object to the form.

09:34:28 3 THE WITNESS: I think there are a small number

09:34:31 4 of companies where we have very tight relationships.

09:34:35 5 Given the kind of engagement that I'm talking about, and

09:34:38 6 the depth, we couldn't do it with more than a handful. So

09:34:42 7 we're very choosy about the partners that we really go

09:34:45 8 deep with, and they typically are very strategic partners.

09:34:49 9 And so, yeah, it's -- the other folks out there

09:34:53 10 are more at an arm's length, and we do provide for

09:34:57 11 services, but they don't have access to the design

09:34:59 12 engineers within Apple.

09:35:01 13 And to make it clear, when I'm talking about

09:35:03 14 engineers, I'm talking about the design engineers, the

09:35:06 15 guys who actually create the product, as opposed to

09:35:09 16 support engineers. So that's the difference between a

09:35:11 17 strategic relationship and one of more arm's length

09:35:17 18 relationship with developers.

09:35:19 19 BY MR. DALLAL:

09:35:19 20 Q. Does Apple have a strategic relationship with

09:35:22 21 Microsoft?

09:35:22 22 A. Yes, it does.

09:35:23 23 Q. And would you put Microsoft in the category of a

09:35:29 24 strategic partner?

09:35:30 25 A. Yes, I would.

10:02:41 1 Q. Ah. Understood.

10:02:54 2 So is it fair to say that Apple has -- excuse

10:02:59 3 me, that Apple maintains control over the user interface

10:03:06 4 piece of all of the software that ships on Apple mobile

10:03:11 5 devices?

10:03:12 6 A. We would like that to be the case. We -- you

10:03:14 7 know, and I think by control, we're -- we're talking

10:03:17 8 about, you know, the ability to define what the user

10:03:20 9 experience looks like. And that's important. It's our

10:03:23 10 product that we're shipping, and we want to make sure that

10:03:25 11 we have the right to design it as we see fit.

10:03:29 12 Q. Then on the next page there's a section on

10:04:02 13 YouTube APIs?

10:04:05 14 A. Yes.

10:04:10 15 Q. "Obligation to provide APIs to Apple. During

10:04:12 16 the term, Youtube shall make available to Apple the

10:04:17 17 Youtube APIs."

10:04:19 18 Can you explain what's meant by that statement?

10:04:22 19 A. An API is the -- defines how the software that

10:04:29 20 Apple would be developing talks to the service that Google

10:04:34 21 or YouTube would be providing. And so it just defines the

10:04:38 22 language that goes between the two.

10:04:48 23 Q. And that's an application programming

10:04:50 24 interface?

10:04:50 25 A. Correct.

10:05:06 1 Q. So would YouTube have to make APIs available to  
10:05:12 2 any hardware maker that was shipping a product with a  
10:05:19 3 YouTube application on it?

10:05:22 4 A. I don't know other people's arrangement. You  
10:05:25 5 know, I can speak to the way Apple works, but I don't know  
10:05:31 6 how they go about doing it with other folks.

10:05:35 7 Q. Okay. Does YouTube make available its APIs to  
10:06:12 8 Apple so that Apple engineers can develop the application,  
10:06:18 9 or is that as part of a collaborative process?

10:06:23 10 MR. RILEY: Object to the form.

10:06:30 11 THE WITNESS: I don't think that's the way I  
10:06:32 12 would state it.

10:06:33 13 I would say that the answer is, it's not an  
10:06:37 14 either/or, it's a yes to both, in that the APIs are part  
10:06:40 15 of the process. In order for us to access their service,  
10:06:44 16 we have to understand the APIs, right? So we have to be  
10:06:47 17 able to see them, so that's that part.

10:06:50 18 Then what happens after that happens is these  
10:06:52 19 are extraordinarily complex, technical specifications.  
10:06:57 20 Then we understand what we want to do and what we think is  
10:07:00 21 important to deliver to the end user. So at that point,  
10:07:03 22 we need to understand what's going on behind those APIs,  
10:07:07 23 right? So we see kind of the facade, but in order to  
10:07:09 24 really do anything innovative and interesting, you have to  
10:07:13 25 know what's behind the facade. So that's the critical

10:07:15 1 aspect of this.

10:07:16 2 And this is why the engineers need to get

10:07:18 3 together, because you get the guy who designed, you know,

10:07:21 4 the building behind the facade, and then our engineers,

10:07:25 5 and then we can actually innovate, because we understand

10:07:28 6 what's going on beyond a superficial specification.

10:07:33 7 So it's really both that happen. It's a huge

10:07:37 8 collaboration with the APIs as being part of that.

10:07:53 9 BY MR. DALLAL:

10:07:53 10 Q. Have you ever seen any statements about Apple

10:08:04 11 recruiting Google employees or Google recruiting Apple

10:08:14 12 employees in any agreement, any written agreement between

10:08:17 13 Apple and Google?

10:08:18 14 A. No, I don't believe I've seen that.

10:08:26 15 Q. Have you ever seen any statement, for example,

10:08:30 16 that Apple was not to recruit Google employees who were

10:08:39 17 working on collaborative projects with Apple?

10:08:44 18 A. In what context?

10:08:46 19 Q. Written down anywhere.

10:08:48 20 A. Anywhere. Not that I can recall.

10:08:54 21 Q. Have you ever seen written down anywhere a list

10:09:02 22 of key Google employees who were working on Apple

10:09:08 23 projects, for example?

10:09:11 24 A. No, I've never seen a list like that.

10:09:13 25 Q. Or have you ever seen the reverse, a list of key

10:09:17 1 Apple employees who were working on Google projects?

10:09:21 2 A. No.

10:09:50 3 Q. Did you communicate with anyone at Google in the

10:09:55 4 period in which Apple and Google were considering the

10:10:03 5 first agreement it had about Google Mail?

10:10:09 6 A. I'm sorry, can you repeat that?

10:10:11 7 Q. Yeah, I can ask a better question, I think.

10:10:16 8 So in the period when Apple and Google were

10:10:22 9 considering its collaboration on Google Mail --

10:10:25 10 A. Hm-m.

10:10:26 11 Q. -- for things like Push, as you described, were

10:10:30 12 you in communication with anyone at Google?

10:10:35 13 A. I was probably in communication with folks at

10:10:38 14 Google. I talked to people at Google very frequently, so

10:10:45 15 most likely I was in communication with someone.

10:10:48 16 Q. Okay. Did you at times participate in the

10:10:58 17 negotiation of agreements between Apple and Google?

10:11:01 18 A. Yes, I did.

10:11:06 19 Q. In any of those discussions or negotiations, did

10:11:10 20 the subject of Google recruiting Apple's employees or

10:11:15 21 Apple recruiting Google's employees ever come up?

10:11:18 22 A. No. The subject of our conversations was mostly

10:11:22 23 about the technologies in the legal frameworks and the

10:11:26 24 business relationships that we wanted to develop. That

10:11:30 25 wasn't in the purview of the discussions that I had.

10:23:55 1 employees from each other.

10:24:00 2 Is that a fair summary?

10:24:02 3 MR. RILEY: Objection to the form of the

10:24:04 4 question.

10:24:05 5 THE WITNESS: Yeah, as I was saying, is I think

10:24:07 6 it would make it much more difficult to have fruitful

10:24:10 7 collaborations between companies.

10:24:13 8 BY MR. DALLAL:

10:24:13 9 Q. Okay. So I believe you'd stated that trust

10:24:28 10 plays a role and that it's a matter of common sense.

10:24:35 11 Is there any additional assurance that Apple had

10:24:41 12 that Google wouldn't try to hire key Apple engineers who

10:24:46 13 were collaborating with Google?

10:24:52 14 A. I -- I don't know.

10:25:05 15 Q. And then to the extent you understand that type

10:25:10 16 of recruiting to be undesirable, based on your experience

10:25:16 17 in the industry throughout your career --

10:25:18 18 A. Hm-m.

10:25:23 19 Q. -- is the decision not to do so required in any

10:25:35 20 sense, or is it more just a matter of common practice?

10:25:42 21 MR. RILEY: Objection to the form.

10:25:44 22 THE WITNESS: Yeah, I -- again, as I was saying

10:25:46 23 before, it's just something that makes a lot of sense when

10:25:49 24 you're collaborating closely. And I think it's important

10:25:52 25 that everybody understand that it's -- think of it this

10:25:56 1 way: It's almost like a safe environment to bring your  
10:26:00 2 best people. It's important to have that.

10:26:05 3 BY MR. DALLAL:

10:26:05 4 Q. So based on your understanding from your  
10:26:09 5 experience in the industry, would the choice to refrain  
10:26:19 6 from hiring engineers who were working on collaborations  
10:26:30 7 extend to every employee of the two companies that were  
10:26:34 8 collaborating, or would it be more limited in some way?

10:26:37 9 A. So in these cases, especially with somebody like  
10:26:40 10 Google or, you know, Intel, are the two examples I'm  
10:26:45 11 coming up with right now, but others, you know, on, the  
10:26:48 12 list, those are huge and very wide collaborations.

10:26:56 13 As I was explaining before, what happens is that  
10:26:58 14 it's not just the engineers. It's -- you have the  
10:27:01 15 marketing departments. You have, you know, engineering  
10:27:04 16 guys. You have business development people. You have,  
10:27:07 17 you know, hardware, software. It goes across the company.

10:27:12 18 So, and that's the -- that's when those --  
10:27:13 19 those kinds of relationships are successful when you're  
10:27:16 20 working like that. And so it isn't cordoned off. You  
10:27:21 21 know, we have many people on those very strategic  
10:27:26 22 relationships talking to their counterparts. So it's a  
10:27:31 23 pretty broad spread type of relationship.

10:27:38 24 And as I -- one way to think of it is, it's  
10:27:40 25 really marbled through the organization. You know, it's

10:27:44 1 not someplace you can isolate. So when you make a  
10:27:47 2 commitment to really come together as two companies and  
10:27:49 3 really try to do something interesting, it goes across  
10:27:52 4 many different parts of the company. So it's very  
10:27:56 5 difficult to say it's just one section or the other,  
10:27:58 6 again, it's because it's marbled.

10:28:05 7 Q. So what if, for example, Apple wanted to recruit  
10:28:15 8 somebody in Google's accounting department; would that  
10:28:19 9 cause problems for the collaboration?

10:28:21 10 MR. RILEY: Object to the form.

10:28:25 11 THE WITNESS: You know, it's -- that's a  
10:28:27 12 hypothetical case. I haven't seen that happen, but I  
10:28:30 13 could see how that would be problematic because, you know,  
10:28:35 14 we have finance people who are talking back and forth too.  
10:28:38 15 So I mean, yeah, it would probably make it harder.

10:28:46 16 BY MR. DALLAL:

10:28:46 17 Q. What if Apple wanted to recruit a sous chef who  
10:28:53 18 worked at Google; would that cause a problem for the  
10:28:56 19 collaboration?

10:28:56 20 MR. RILEY: Object to the form.

10:28:57 21 THE WITNESS: Yeah, I don't know.

10:29:10 22 BY MR. DALLAL:

10:29:10 23 Q. Well, let me put it this way: Is it your  
10:29:13 24 testimony that any hiring of any Google employee by Apple  
10:29:23 25 would have created a potential problem for the

10:29:27 1 Apple/Google collaboration?

10:29:29 2 MR. RILEY: Objection to the form.

10:29:31 3 THE WITNESS: I think what I was saying is, is

10:29:33 4 that in the analogy or, you know, example I was using, is

10:29:39 5 when something's marbled through the organization, it's

10:29:43 6 very hard to draw lines, is the most difficult part of

10:29:46 7 that. Where do you draw the line? And as you're pointing

10:29:50 8 out, it's not so easy.

10:30:08 9 BY MR. DALLAL:

10:30:08 10 Q. Is it fair to say that there are engineers at

10:30:09 11 Apple who don't regularly work on collaborative efforts

10:30:15 12 between Apple and Google?

10:30:16 13 A. It's hard to tell when they may or may not work

10:30:20 14 closely with Google. It's, again, hard to draw a line of

10:30:23 15 who's going to end up working with Google and who's not.

10:30:26 16 It can go in many different directions. Never know.

10:30:56 17 Q. Well, then let me ask: If Apple were to choose

10:31:09 18 not to recruit people out of Google, and Google were to

10:31:15 19 choose not to recruit people out of Apple, is that fair to

10:31:24 20 Apple employees and Google employees?

10:31:27 21 MR. RILEY: Object to the form.

10:31:29 22 THE WITNESS: I think, you know -- I mean,

10:31:30 23 define fair. I think it's -- it's fair in the sense that

10:31:34 24 both Google employees and Apple employees want their

10:31:37 25 company to succeed and their projects to succeed. And if

13:51:07 1 know, the relationship and for getting some -- getting the  
13:51:15 2 agreements and, you know, partnerships going, yes.

13:51:19 3 BY MR. DALLAL:

13:51:19 4 Q. Okay, and I appreciate that clarification.

13:51:24 5 Did anyone at Apple play a similar role with  
13:51:26 6 respect to Intel?

13:51:29 7 MR. RILEY: Object to the form.

13:51:32 8 THE WITNESS: I'm not exactly aware of the  
13:51:34 9 specific person, but I would imagine in a project of that  
13:51:36 10 scale there are quite a few people who would be, you know,  
13:51:43 11 intimately involved with many different pieces of Intel.

13:51:46 12 For instance, there's -- and this is pointing  
13:51:47 13 to, you know, sales training and channel training as one  
13:51:50 14 area, and then there would be areas on the software side  
13:51:53 15 and technology side.

13:51:55 16 So I don't know if there was a specific person  
13:51:58 17 who was heading it up, but there's probably a lot of  
13:52:01 18 different people who had areas of responsibility.

13:52:10 19 BY MR. DALLAL:

13:52:10 20 Q. Were you ever the point person on any  
13:52:15 21 collaborations between Apple and Intel?

13:52:17 22 A. No, I never served as that.

13:52:30 23 Q. Were you ever the point person for any  
13:52:33 24 collaborations between Apple and any company other than  
13:52:39 25 Google?

13:52:42 1 A. Um, yeah, I served as a point person for quite a  
13:52:45 2 few different companies, like Yahoo is one that I've been  
13:52:52 3 a point person to.  
13:52:55 4 But nobody on the scale of Google. I mean,  
13:52:58 5 Google is a huge partner. But, yeah, so there's a lot of  
13:53:01 6 different companies, but nobody on the scale of like a  
13:53:05 7 strategic partnership like Google.  
13:53:45 8 MR. DALLAL: You can set that one aside.  
13:53:46 9 Please mark this as the next one.  
13:53:59 10 THE REPORTER: This is 2253.  
13:54:01 11 (Exhibit 2253 was marked for identification.)  
13:54:05 12 BY MR. DALLAL:  
13:54:05 13 Q. You've been handed Exhibit 2253. It's a  
13:54:08 14 multi-page document, appears to consist of an email and  
13:54:12 15 its attachment. It begins with 231APPLE130882 and extends  
13:54:18 16 through 130925.  
13:54:26 17 It's quite a long document, but I am going to  
13:54:29 18 have a few questions about some of the provisions written  
13:54:36 19 down here. A few about the section on responsibilities of  
13:54:45 20 the parties, which begins on page 5. Do you see that?  
13:54:54 21 And then also on page 8, some questions about  
13:54:58 22 the section on Google Responsibilities, which I guess is  
13:55:04 23 under the Responsibilities Of The Parties section.  
13:55:07 24 So those are the principal areas that I'd ask  
13:55:10 25 you to pay particular attention to. And then, of course,

13:55:13 1 you can review as much of the rest of the document as you  
13:55:17 2 like.

13:58:56 3 A. Okay.

13:58:58 4 Q. So do you recognize this document?

13:59:00 5 A. Yes, I do.

13:59:01 6 Q. What is it?

13:59:02 7 A. It's an agreement between Apple and Google with  
13:59:06 8 regards to the first shipment of maps on iPhone.

13:59:16 9 Q. Okay. Were you the principal point of contact  
13:59:22 10 for Apple?

13:59:25 11 A. Yes, I was.

13:59:27 12 Q. For this product?

13:59:29 13 A. Yes.

13:59:44 14 Q. And so you negotiated some of the terms of this  
13:59:47 15 agreement?

13:59:49 16 A. Yes, I did.

13:59:50 17 Q. All of them?

13:59:52 18 A. A lot of them. It's a team effort.

13:59:59 19 Q. Was Phil Schiller involved in negotiating any  
14:00:02 20 terms of this agreement?

14:00:04 21 A. Um, yes, I believe he was, yes.

14:00:08 22 Q. And who was your principal point of contact at  
14:00:11 23 Google negotiating this agreement?

14:00:13 24 A. Russell Shoji.

14:00:15 25 Q. And that's the individual carbon copied in the

15:06:25 1 which search boxes, because over time search became more  
15:06:29 2 interesting, so sometimes it moved outside of the browser.  
15:06:32 3 And people were thinking, well, maybe in a phone, you just  
15:06:34 4 start with a search panel as opposed to actually going to  
15:06:37 5 a browser where there would be ads and so forth.

15:06:42 6 So there was a lot of discussion at that time  
15:06:44 7 about what the boundaries were. So in that context, I  
15:06:46 8 think that's -- that was the main idea.

15:06:50 9 Putting a little more -- as the -- what happens  
15:06:52 10 with these agreements is you start out thinking you maybe  
15:06:54 11 know what the world is going to look like, and then things  
15:06:57 12 happen, things change, and you realize you need to kind of  
15:07:00 13 crisp up the language about -- you know, to keep up with  
15:07:04 14 how the industry's evolved. And I think this is an  
15:07:07 15 example of that.

15:07:12 16 For instance, we hadn't contemplated, you know,  
15:07:14 17 a future project not to be mentioned, as we were trying to  
15:07:20 18 handle this particular language.

15:07:26 19 Q. Do you recall any discussions about whether or  
15:07:29 20 not Google was concerned about being displaced from its  
15:07:33 21 status as the default search service on Apple products?

15:07:37 22 MR. RILEY: Object to the form.

15:07:38 23 THE WITNESS: During that era, I think we had  
15:07:41 24 established Google as being our partner for search, and  
15:07:44 25 they'd been our partners for search until today, six years

15:07:47 1 after this.

15:07:50 2 THE REPORTER: 2258.

15:09:22 3 (Exhibit 2258 was marked for identification.)

15:09:25 4 BY MR. DALLAL:

15:09:25 5 Q. Mr. Croll, you've been handed Exhibit 2258,

15:09:27 6 which is a multi-page exhibit. It begins with

15:09:29 7 231APPLE131145 and extends through 131157.

15:09:41 8 If you look at 156, you'll see there aren't

15:09:46 9 signatures filled in here, so I can't confirm whether this

15:09:54 10 is a final version or a draft, which might be one question

15:09:57 11 I ask you, but this is the version that I found in the

15:10:02 12 time I had.

15:10:06 13 Take a moment to review it and let me know when

15:10:08 14 you're ready for questions.

15:12:30 15 A. Okay.

15:12:33 16 Q. Okay, do you recognize this document?

15:12:35 17 A. Yes, I do.

15:12:35 18 Q. And what is it?

15:12:37 19 A. It's an agreement between Apple and Google to

15:12:40 20 [REDACTED]

15:12:46 21 [REDACTED]

15:12:49 22 [REDACTED]

15:13:04 23 Q. Do you know if Apple had any other license

15:13:09 24 agreements with any other companies to provide similar

15:13:15 25 functionality with respect to other software developers?

15:13:22 1 A. [REDACTED]

15:13:26 2 [REDACTED]

15:13:30 3 [REDACTED]

15:13:33 4 [REDACTED] [REDACTED]

15:13:37 5 [REDACTED]

15:13:42 6 Q. Did Apple have an agreement that would allow its

15:13:51 7 users to sync its Yahoo contacts, for example?

15:13:59 8 A. [REDACTED]

15:14:02 9 [REDACTED]

15:14:04 10 [REDACTED]

15:14:07 11 [REDACTED]

15:14:09 12 Q. Did Apple have an agreement that would allow its

15:14:11 13 users to sync its AOL contacts?

15:14:16 14 A. [REDACTED] [REDACTED]

15:14:21 15 [REDACTED]

15:14:25 16 [REDACTED]

15:14:27 17 [REDACTED]

15:14:40 18 Q. Do you know if the Apple employees who

15:14:42 19 ultimately had access to Google's source code were subject

15:14:45 20 to a nondisclosure agreement?

15:14:50 21 A. I don't know. I don't know.

15:15:00 22 Q. Do you know if any Google engineers did any of

15:15:02 23 the coding that enabled Apple devices to sync Google

15:15:08 24 contacts?

15:15:09 25 A. I don't know, but my assumption is that since

15:15:13 1 source code was trading hands, the level of integration  
15:15:15 2 and collaboration between the two parties was pretty  
15:15:19 3 deep.

15:15:21 4 Q. Beyond the delivery of source code from Google  
15:15:33 5 to Apple, is there any way to tell from this document  
15:15:44 6 which companies' engineers would then do the coding to  
15:15:47 7 allow an Apple device to sync Google contacts?

15:15:52 8 A. At this point, it's very difficult to tell, but  
15:15:54 9 I know when you get source code, you know, it's like  
15:15:58 10 getting a -- an indecipherable book that you're going to  
15:16:05 11 need a lot of help figuring out what the -- how the source  
15:16:08 12 code works. So as a result, I can -- I would assume that  
15:16:10 13 there was quite a bit of collaboration going on between  
15:16:13 14 the engineering teams.

15:16:15 15 Q. Do you know who the lead engineer was  
15:16:17 16 responsible for this particular project?

15:16:20 17 A. I'm not specifically -- I don't remember  
15:16:26 18 specifics at that point of exactly which engineer at  
15:16:29 19 Apple. You know, I'd imagine there's a couple different  
15:16:32 20 teams actually working on this.

15:16:35 21 Q. Is there somebody that would know better than  
15:16:39 22 you do, who the lead engineer was on this project?

15:16:46 23 A. Um, you know, I don't know. I can't come up  
15:16:52 24 with the name specifically right now.

15:16:55 25 But, you know, I think it was in multiple

15:16:58 1 organizations, so yeah, I'd have to hunt around a little  
15:17:02 2 bit myself to come up with a name.

15:17:04 3 Q. Okay. Do you know of any other document or  
15:17:37 4 communication that's out there in any form, that would  
15:17:43 5 indicate which engineers actually did the coding to make  
15:17:53 6 syncing of Google contacts on Apple devices possible?

15:17:56 7 A. I'm not aware of any document like that.

15:17:59 8 Q. So beyond, say, interviewing the engineers who  
15:18:03 9 worked on the project, can you think of any other way to  
15:18:05 10 tell who those people were?

15:18:07 11 A. That's -- I would go and interview the people.  
15:18:09 12 That's how I would do it, yeah.

15:18:12 13 Q. Do you believe this to be the final version of  
15:18:31 14 the agreement that Apple and Google signed on this -- in  
15:18:34 15 this area?

15:18:35 16 MR. RILEY: Object to the form.

15:18:36 17 THE WITNESS: I don't know. There might have  
15:18:39 18 been an iteration after, depending on how the comments  
15:18:44 19 turned out, but.

15:19:02 20 THE REPORTER: Exhibit 2259.

15:19:04 21 (Exhibit 2259 was marked for identification.)

15:19:05 22 BY MR. DALLAL:

15:19:05 23 Q. I've handed you -- or the court reporter's  
15:19:06 24 handed you what's been marked as Exhibit 2259. It is a  
15:19:10 25 two-page exhibit, 231APPLE131158 through 159.

1                   I, Jennifer L. Furia, Certified Shorthand  
2 Reporter licensed in the State of California, license  
3 No. 8394, hereby certify that the deponent was by me first  
4 duly sworn, and the foregoing testimony was reported by me  
5 and was thereafter transcribed with computer-aided  
6 transcription; that the foregoing is a full, complete and  
7 true record of said proceeding.

8                   I further certify that I am not of counsel or  
9 attorney for either or any of the parties in the foregoing  
10 proceeding and caption named or in any way interested in  
11 the outcome of the cause in said caption.

12                   The dismantling, unsealing, or unbinding of the  
13 original transcript will render the reporter's  
14 certificates null and void.

15                   In witness whereof, I have hereunto set my hand  
16 this day: April 2, 2013

17                   \_\_\_\_\_ Reading and signing was requested.

18                   \_\_\_\_\_ Reading and signing was waived.

19                   X  
20                   \_\_\_\_\_ Reading and signing was not requested.

21

22

23

24

JENNIFER L. FURIA, RPR, CSR NO. 8394

25